

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANTIAGO SOTO,

Plaintiff,

No. CIV S-04-0571 FCD GGH P

vs.

WARDEN D.L. RUNNELS,

Defendant.

ORDER

Plaintiff has requested an extension of time to file and serve his pretrial statement pursuant to the court's order of March 24, 2005. On the same day plaintiff filed his request, defendant's motion for summary judgment was filed.¹ Therefore, the court will vacate the dates for the pretrial hearing and for the trial set forth in the court's scheduling order. Plaintiff is reminded that, by order filed on August 26, 2004, he was advised of the requirements for filing an opposition to a motion for summary judgment under the Local Rules.²

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¹ Although the order granting defendant's last request for an extension of time to file his dispositive motion required defendant to file it by October 16, 2005, the court, on this occasion only, will overlook defendant's having filed the motion one day beyond the deadline and allow him to proceed. However, any future tardiness on the part of defendant will not be permitted.

² Should plaintiff seek an extension of time to file his response to defendant's motion, his request must be timely and show good cause.

1 Accordingly, IT IS ORDERED that:

2 1. The dates set in the March 24, 2005 scheduling order, for the pretrial hearing,
3 November 4, 2005, and for the trial, January 10, 2006, are hereby vacated, in light of defendant's
4 motion for summary judgment, filed on October 17, 2005;

5 2. Plaintiff's October 17, 2005 request for an extension of to file a pretrial
6 statement is denied as moot;

7 3. Plaintiff's opposition, or statement of non-opposition, to defendant's motion
8 for summary judgment is due within 30 days of the date of this order;

9 4. The date for a pretrial hearing, including the deadlines for the parties to file
10 their pretrial statements, as well as a date for trial will be re-set upon adjudication of defendant's
11 pending motion, if appropriate.

12 DATED: 10/24/05

13 /s/ Gregory G. Hollows

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15 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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